

4865. Adulteration of shelled peanuts. U. S. v. 283 Bags of Peanuts (29,718 pounds). Consent decree of condemnation. Product ordered released under bond for extraction of the oil. (F. D. C. No. 9494. Sample No. 18595-F.)

On March 9, 1943, the United States attorney for the District of New Jersey filed a libel against 283 105-pound bags of shelled peanuts at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 15, 1942, by the Columbian Peanut Co. from Tarboro, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect excreta and webbing.

On March 26, 1943, J. W. Beardsley's Sons of Newark, N. J., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for extraction of the oil under the supervision of the Food and Drug Administration.

4866. Adulteration of shelled peanuts. U. S. v. 5 Bags of Shelled Peanuts (525 pounds). Consent decree of condemnation. Product ordered released under bond for extraction of the oil. (F. D. C. No. 9496. Sample No. 18597-F.)

On March 9, 1943, the United States attorney for the District of New Jersey filed a libel against 5 105-pound bags of shelled peanuts at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 21, 1942, by the Williamston Peanut Co., Inc., from Williamston, N. C.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect excreta and webbing.

On March 26, 1943, J. W. Beardsley's Sons of Newark, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for extraction of the oil, under the supervision of the Food and Drug Administration.

4867. Adulteration of shelled peanuts. U. S. v. 114 Bags of Shelled Peanuts (1,140 pounds). Consent decree of condemnation. Product ordered released under bond for extraction of the oil. (F. D. C. No. 9495. Sample No. 18596-F.)

On March 9, 1943, the United States attorney for the District of New Jersey filed a libel against 114 10-pound bags of shelled peanuts at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 26, 1943, by the Suffolk Peanut Co. from Suffolk, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, insect excreta and webbing.

On March 26, 1943, J. W. Beardsley's Sons of Newark, N. J., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for extraction of the oil under the supervision of the Food and Drug Administration.

4868. Adulteration of peanut butter. U. S. v. Millard-United Company. Plea of nolo contendere. Fine, \$150 and costs. (F. D. C. No. 8814. Sample Nos. 71270-E, 76827-E, 508-F.)

This product contained beetle fragments, sand, insect fragments, and trash (such as wood fragments, stems, and shell fragments).

On March 20, 1943, the United States attorney for the Northern District of Illinois filed an information against the Millard-United Company, a corporation, at Chicago, Ill., alleging shipment within the period from on or about February 27 to August 31, 1942, from the State of Illinois into the States of Wisconsin and Iowa of a quantity of peanut butter that was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "3 Star Brand * * * Peanut Butter," "Del Haven Uniform Quality Peanut Butter * * * Packed for Federated Foods, Inc. San Francisco and Chicago," or "Brownie Brand * * * Energized Peanut Butter."

On April 27, 1943, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$150 and costs.

4869. Adulteration and misbranding of peanut butter. U. S. v. Producers Peanut Co., Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 6919. Sample Nos. 24517-F, 28731-F.)

This product contained insect fragments, rodent hair fragments, rodent pellet fragments, and dirt, and portions were short weight.

On April 21, 1943, the United States attorney for the Eastern District of Virginia filed an information against the Producers Peanut Co., Inc., Suffolk, Va., alleging shipment on or about September 29 and October 20, 1942, from the State of Virginia into the States of Maryland and North Carolina, of quantities of peanut butter that was adulterated and misbranded. Portions of the article were contained in jars labeled in part: "Producers netwt. 1 lb. 8 oz.," "Net Wt. 1 Lb.," "Net Wt. 12 oz.," or "8 Oz. Net. * * * Jo-Jo Brand Peanut Butter." The remainder was contained in drums labeled in part: "Jo-Jo Peanut Butter."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

That portion shipped into the State of North Carolina was alleged to be misbranded in that the statements "Netwt. 1 lb. 8 Oz.," "Net Wt. 1 Lb.," or "Net Wt. 12 Oz.," borne on a number of the jars were false and misleading since the jars contained less than represented, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On May 19, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$50.

4870. Adulteration and misbranding of peanut butter. U. S. v. 74 Cases and 58 Cases of Peanut Butter. Default decrees of condemnation and destruction. (F. D. C. Nos. 8848, 9601. Sample Nos. 19389-F, 28731-F.)

This product was short weight and a portion contained insect fragments.

On November 12, 1942, and March 24, 1943, the United States attorneys for the Western District of North Carolina and the District of Massachusetts filed libels against 74 cases of peanut butter at Charlotte, N. C., and 58 cases of peanut butter at Fall River, Mass., alleging that the article had been shipped in interstate commerce on or about September 29, 1942, and February 5, 1943, by the Producers Peanut Co., Inc., from Suffolk, Va.; and charging that it was adulterated and misbranded. The article was labeled in part: "Producers Jo-Jo Brand Peanut Butter. * * * Net. Wt. 1 Lb. 8 Oz. (or "8 Oz.," "12 Oz.," or "1 Lb.)," or "Armour's Star Peanut Butter * * * 6 Oz. Avoir. Net. * * * Armour and Company Distributors."

The Jo-Jo Brand was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. Both brands were alleged to be misbranded in that they were in package form and failed to bear a label containing an accurate statement of the quantity of their contents. The lot located at Fall River, Mass., was alleged to be misbranded further in that the statement, "6 Oz. Avoir. Net," appearing on the label was false and misleading when applied to an article that was short weight.

On January 22 and May 17, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. The short-weight lot was delivered by the marshal to a charitable institution.

4871. Misbranding of Peanut Crush (peanut butter). U. S. v. 616 Cases and 354 Cases of "Peanut Crush." Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9083. Sample No. 13062-F.)

This product was short of the declared weight.

On or about January 11, 1943, the United States attorney for the District of Oregon filed a libel against 616 cases, each containing 12 jars, and 354 cases, each containing 24 jars, of "Peanut Crush" at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about October 16 and November 10, 1942, by John A. McGregor Co., Inc., from Seattle, Wash.; and charging that it was misbranded. The article was labeled in part: "Dennison's Peanut Crush * * * Butler Packing Co., Seattle."

The article was alleged to be misbranded in that it failed to bear a label containing an accurate statement of the quantity of the contents, and in that the statements "Net Wt. 1½ Lbs.," "1½ Lbs. Net Wt.," and "Net Weight 1 Lb." borne on the labels were false and misleading as applied to an article that was short weight.

On January 20, 1943, John A. McGregor Co., Inc., and the Butler Packing Co., claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.